

REMARKS

Claims 68, 69, and 71 are currently under consideration, and have been rejected by the Examiner. In the accompanying amendment, claim 68 has been amended. It is respectfully submitted that the amendment to claim 68 is fully supported by the detailed description, drawings and claims of the specification as originally filed, and accordingly the amendment to claim 68 does not add new matter.

Claims 69 and 71 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nelson (U.S. 5,212,582).

In this regard, the Examiner has stated that:

The limitations in claims 69 and 71 are shown in Nelson's Figs. 2-4, column 3, line 62 through column 7, line 58. Nelson discloses a device comprising a sandwich of two or more layers, each of layers comprising one or more components 16,30,40 which respectively serve specific functions including electrical, mechanical, and optical.

Regards claim 71, Nelson discloses the movable layer including a deposited stiffener 32,62 to cause the movable layer to remain parallel to another of the layer during operation.

Both claims 69 and 71 claim an "interferometric modulator." Nelson discloses a device for steering light (see Abstract) which works on the principle of reflection and not on the principle of interference. Thus, the device of Nelson is not an interferometric modulator. Accordingly, it is respectfully submitted that Nelson does not anticipate claims 69 and 71.

The Examiner has rejected claim 68 under 35 U.S.C. § 102(e) as being anticipated by Li et al. (U.S. 5,619,059).

Claim 68, as amended, includes the following limitations:

68. (Currently Amended) An interferometric modulator comprising a sandwich of two or more layers, at least one of the layers comprising two or more films, the stress of each film being arranged so that the overall stress of the layer ranges from zero to tensile in magnitude; wherein the layers of the sandwich are movable relative to each other.

Li discloses a deformable mirror device 10 that includes an optical thin film interference color coating to produce optical interference of light (column 5, lines 5-15). The optical thin film interference color coating is described to include a plurality of layers (column 5, lines 40-55). However, the layers are not movable relative to each other. Further, there is nothing in the disclosure of Li to teach or suggest that the layers of the optical thin film interference color coating is under an overall stress from zero to tensile in magnitude.

Thus, Li does not teach or suggest all limitations of claim 68. Accordingly, it is respectfully submitted that claim 68 is not anticipated or rendered obvious by Li.

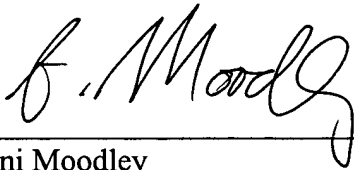
It is respectfully submitted that in view of the amendments and remarks set forth herein, all rejections have been overcome. All pending claims are now in condition for allowance, which is earnestly solicited.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/5, 2004



Vani Moodley
Under 37 CFR § 10.9(b)

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300